

Appl. No. 10/034,218
Amdt. dated December 27, 2004
Reply to Office action of November 12, 2004

REMARKS/ARGUMENTS

Applicants have received the Office action dated November 12, 2004, in which the Examiner: (1) objected to the specification; (2) objected to claims 5-7 and 14-15; (3) rejected claim 7 under 35 U.S.C. § 112, 2nd paragraph; (4) rejected claims 1-4, 8, 10-13, 17 and 19-21 under 35 U.S.C. § 103(a) as being unpatentable over Nair (U.S. Pat. No. 6,318,965) in view of Sekiguchi (U.S. Pat. No. 6,398,505); (5) rejected claims 5, 9, 14 and 18 under as obvious over Nair in view of Sekiguchi and White (U.S. Pub. No. 2002/0010881); and (6) rejected claims 6, 7, 15 and 16 as obvious over Nair in view of Sekiguchi, White, and Beeghly (U.S. Pat. No. 4,336,463). With this Response, Applicants amend the specification, amend claims 1, 5, 10, 14, and 19-21, and cancel claims 6, 7, 15, and 16. Based on the arguments and amendments contained herein, Applicants believe all pending claims to be in condition for allowance.

I. SPECIFICATION OBJECTIONS

The Examiner noted a typographical error with regard to the word "experience" in paragraph 0013. This error has been addressed by amendment.

The Examiner also contended that the phrase "without the involvement of external controlling logic such as the host processor" is "somewhat unclear." Applicants do not understand why the Examiner believes the language to be "somewhat unclear." The reference to the "host processor" refers to the "host processors 102" in the specification. Applicants believe that to be very clear. Further, the Examiner's suggested amendment refers to "host processor controlling logic" which is not mentioned as such in the specification. Accordingly, Applicants suggest leaving the language as is in the specification and not changing it as suggested by the Examiner. If the Examiner still believes the language to be unclear, clarification is respectfully requested as to the nature of the Examiner's concern.

II. THE CLAIM OBJECTIONS

Claims 5 and 14 have been amended to address the Examiner's objection regarding the word "process." Claims 6 and 7 have been canceled thereby mooted the objections to those claims.

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III. THE § 112 REJECTION

Claim 7 has been canceled thereby mooting the rejection of claim 7 under § 112.

IV. THE ART REJECTIONS

Applicants amend claim 1 to recite that each fan controller comprises "a register that includes a bit that can be set by said host processor to cause said fan controller to not assert said fault signal upon detection of a fault." With regard to claim 7 (now canceled), the Examiner apparently finds this feature to be present in Beeghly. Beeghly, however, is owned by "The Economy Engine Company" and is directed to an "annunciator device for an internal combustion engine." Col. 1, lines 41-43. The subject matter of Beeghly (internal combustion engines) has nothing to do with Applicants' field of endeavor (fan control techniques and associated apparatus for computers). Further, Beeghly makes absolutely no reference to a fan. Applicants submit that one of ordinary skill in the art would not have been motivated to consult Beeghly. *See In re Clay*, 966 F.2d 656 (Fed. Cir. 1992) (reversing PTO rejection on grounds that the Examiner's rejection was based non-analogous prior art). The MPEP makes this point abundantly clear in stating that "[t]o rely on a reference under 35 U.S.C. § 103, it must be analogous prior art." MPEP § 2141.01(a). Beeghly clearly represents non-analogous art and, as such, cannot be used to reject claim 1. None of the other art of record teaches or suggests the limitation quoted above in the context of the invention of claim 1. At least for this reason, claim 1 and all claims dependent therefrom are allowable.

Applicants amend claim 5 to be consistent with the amended language of claim 1. The scope of claim 5 has not been narrowed in any way.

Applicants amend 10 to specify that the register in the fan controller "includes a bit that can be set by said host processor to cause said fan controller to not assert said input/output fault signal upon detection of a fault." As explained above, Beeghly, being from a disparate art, cannot be used to reject the claimed subject. None of the other art of record teaches or suggests the quoted limitation

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in the context of the invention of claim 10. At least for this reason, claim 10 and all claims dependent therefrom are allowable.

Applicants amend method claim 19 to require "transmitting fault information from one fan controller to another without using said host processor and only if a register is written with a value that permits said fault information to be transmitted, otherwise, not transmitting said fault information; and responding to said asserted fault signal if said fault information is transmitted." As explained above, Beeghly cannot be used to reject the claimed subject and none of the other art of record teaches or suggests the quoted limitation in the context of the invention of claim 19. At least for this reason, claim 19 and all claims dependent therefrom are allowable.

V. CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including

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fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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